

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

Case Number: 00-CR-334-02 (JAF)

**JUAN C. ESCANDON-MALDONADO
TN: JUAN CARLOS ESCANDON-MALDONADO**

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**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS AND
REQUESTING THE ISSUANCE OF A WARRANT**

**TO THE HONORABLE JOSE A. FUSTE, CHIEF
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, DAMARYS I. TELLADO, U.S. PROBATION OFFICER of this Court, presenting an official report upon the conduct and attitude of releasee, Juan C. Escandón-Maldonado, who on May 18, 2001, was sentenced to sixty (60) months of imprisonment and four (4) years of supervised release after having been convicted of violating Title 21 United States Code, Section 846. A special monetary assessment in the amount of \$100.00 was also imposed .

As special conditions of his term of supervision, Mr. Escandón-Maldonado, was ordered not to commit any federal, state, or local crimes, and to comply with the standard conditions of supervised release. Additionally, he was ordered not be in unlawful possession of a controlled substance, to refrain from possessing firearms, destructive devices, or other dangerous weapons and to refrain from the unlawful use of a controlled substance as well as submit to urinalysis. He was also expected to provide access to any financial information upon request as well as file income tax returns.

On November 21, 2003, Mr. Escandón-Maldonado was released from Hogar CREA Community Corrections Center in Trujillo Alto, to commence his supervision term.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Releasee has not complied with the following conditions of his supervised release term:

1. VIOLATION OF MANDATORY CONDITION NO. 2- “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.”

On July 14, 2005, probable cause was found on charges of violation of Article 401 of the Puerto Rico Controlled Substance Law. Sentencing is scheduled to be held on August 29, 2005, at the Superior Court in Ponce. Once the official court documents have been received, the Court will be duly notified of the pertinent details in said case.

2. VIOLATION OF STANDARD CONDITION NO. 2- “THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH.”

Mr. Escandón-Maldonado has failed to report to the U.S. Probation Office as instructed and has not submitted monthly supervision reports since April 2005.

3. VIOLATION OF STANDARD CONDITION NO. 3- “THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.”

On April 12, 2005, the releasee was instructed to call the undersigned later that day. On June 21, 2005, Mr. Escandón-Maldonado was instructed, via the substance abuse counselor, to call this officer

immediately. Various written notifications have also been left at the releasee's home informing him of this officer's attempt to conduct a home visit and instructing him to contact the undersigned as soon as possible. As of this date, he has failed to make any attempt to personally contact this officer.

4. VIOLATION OF STANDARD CONDITION NO. 5- "THE DEFENDANT SHALL WORK REGULARLY AT A LAWFUL OCCUPATION, UNLESS EXCUSED BY THE PROBATION OFFICER FOR SCHOOLING, TRAINING, OR OTHER ACCEPTABLE REASONS."

Since July 2004, releasee has not reported any significant employment and has failed to demonstrate evidence of job search activities.

5. VIOLATION OF STANDARD CONDITION NO. 7- "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

Positive results for the use of marihuana were detected on August 9, 2004, June 6, and 15, 2005. On March 2, 2005, he admitted having smoked the illegal substance known as marijuana and consented to signing an admission form.

6. VIOLATION OF STANDARD CONDITION NO. 11- "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER."

The releasee failed to report being accused of a new state criminal charge.

WHEREFORE, I declare under penalty of perjury, that the foregoing is true and correct.

In view of the aforementioned violations, it is respectfully requested that the Court order that a warrant be issued ordering the arrest of Mr. Escandón-Maldonado so that he may be brought before this Court to show cause why his supervised release term should not be revoked; thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 16th day of August 2005.

Respectfully submitted,

s/Damarys I. Tellado
Damarys I. Tellado
U.S. Probation Officer
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DT/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 16, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following : Assistant U.S. Attorney, Sonia Torres and to defense counsel, Epifanio Morales.

s/Damarys I. Tellado
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